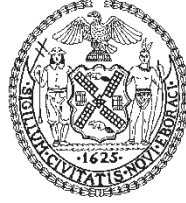


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January 5, 2022

By ECF

Hon. Valerie E. Caproni
United States District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square,
New York, NY 10007

Re: Kane, et al. v. de Blasio, et al., Dkt. 21 Civ. 7863 (Lead Case)
Keil, et al. v. The City of New York, et al., Dkt. 21 Civ. 8773

Dear Judge Caproni:

I am an Assistant Corporation Counsel in the office of Georgia M. Pestana, Corporation Counsel for the City of New York, attorneys for defendants in the above-referenced case. Defendants write to respectfully request a stay of the parties' deadline to file a joint letter on January 7, 2022, as ordered by the Court on December 17, 2021 (Dkt. 93). This request is made because on December 21, 2021, the Second Circuit issued an Order granting in part and denying in part plaintiffs' emergency motions to enjoin enforcement of the COVID-19 vaccine mandate on DOE employees and contractors. *See* Dkt. 94. The Second Circuit indicated in its Order that its motions panel will be hearing plaintiffs' motion on Tuesday, January 18, 2022, and ordered that pending a decision from the motions panel, plaintiffs' deadlines relating to whether to opt-in to the DOE's leave program are stayed, and no steps shall be taken by DOE to terminate plaintiffs. As the parties cannot anticipate the relief, if any, that will be awarded by the Second Circuit, and how that will affect the scope of this action, defendants respectfully request a stay of the above-referenced deadline. Counsel for the Kane Plaintiffs does not consent to a stay. Defendants have yet to hear back from Counsel for the Keil Plaintiffs.

In light of the Second Circuit's Order and the fact that the motions panel will be hearing plaintiffs' motion on January 18, 2022, defendants request a stay of the deadline for the parties to file a joint letter on January 7, 2022. We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Lora Minicucci

Assistant Corporation Counsel

Application DENIED. The Court sees no reason to reinstate a stay in this action. But because argument before the Second Circuit may bring clarity to some of the issues in the litigation, the Court hereby adjourns the deadline of the joint letter from Friday, January 7, 2022 to **Friday, January 21, 2022**.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni".

Date: January 5, 2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE